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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,381	01/11/2002	Hiroyuki Nishida	Q68032	5497
7590	12/09/2005		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			WEEKS, GLORIA R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/042,381	NISHIDA, HIROYUKI
Examiner	Art Unit	
Gloria R. Weeks	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 September 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-4 and 17 is/are rejected.  
7)  Claim(s) 5-16 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_.

***DETAILED ACTION***

1. This action is in response to Applicants' amendments and arguments received on September 22, 2005, all of which have been considered and acknowledged in this action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al. (USPN 6,612,100).

In reference to claims 1, 2 and 17 Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting and stacking means (104, 106A, 106B, 400A, 400B) for stacking only individual sheets (F) in a predetermined number directly on a pallet<sup>1</sup> (12, 440; figure 1); covered sheet stack producing means (700); packaging means (800) for packaging the covered stacks (26, 28); a pallet (855) for supporting the sheet stacks (W); wherein the covered sheet stack producing means (500, 600, 700) includes a first handling means (710) for placing the stacked sheets (26) on an upper surface of the protective cover (28; figure 32); and folding means (718a, 718b, 770, 780; column 18, lines 34-38; column 19 lines 29-52) for folding the protective cover (28).

Regarding claims 3 and 4, Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting and stacking means (104, 106A, 106B, 400A, 400B) including decurling means (suction apertures) for

stacking only individual sheets (F) in a predetermined number directly on a pallet (12, 440; figure 1); covered sheet stack producing means (700) for covering the stacked sheets (26) with a protective cover (28), wherein the protective cover (28) includes transversely extending bending lines (figure 32), for defining first, second and third portions each to be positioned on a face portion of the stacked sheets (26); wherein the covered sheet stack producing means (700) includes a first handling means (710) for placing the stacked sheets (26) on the upper surface of the second portion of the protective cover (28); folding means (718a, 718b, 770, 780; column 18, lines 34-38; column 19 lines 29-52) for folding the protective cover.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being anticipated by Katz et al. (USPN 4,939,888) in view of Loree et al. (USPN 5,878,554).

Regarding claims 1 and 2, Katz et al. discloses a sheet package producing system, comprising: cutting and stacking means (44) for forming sheets by cutting continuous sheets (30) at a regular length, and for stacking only the individual sheets (40) in a predetermined number directly on a pallet (42) to form stacked sheets (46); covered sheet stack producing means (58) for folding a protective cover (envelope) around at least a portion of said stacked sheets (46), to obtain a covered sheet stack (59); wherein the cutting and stacking means (44) producing means includes first handling means (56)

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<sup>1</sup> Pallet (n): A portable platform used for storing or moving cargo or freight

for placing the stacked sheets (46) on an upper surface of the protective cover (envelop), and a folding means (174, 175) for folding the protective cover (envelope); wherein the cutting and stacking means (44), the covered sheet stack producing means (58) and the packaging means (18) are balanced in line capacity balance relative to one another.

Katz et al. does not disclose a packaging means. Loree et al. teaches a sheet packaging system comprising a covered sheet stack producing means (18) for folding a protective cover (58) around at least a portion of a stack of sheets (60); and packaging means (84) for packaging the covered sheet stack (70) to obtain a sheet package (94). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Katz et al. to include the packaging means of Loree et al. for the purpose of providing a protective cover for the covered sheet stack, for shipment.

***Allowable Subject Matter***

6. Claims 5-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments, see pages 2-3, filed September 22, 2005, with respect to the rejection of claims 1-3 have been fully considered and are persuasive. Although it would have been obvious to one having ordinary skill in the art to combine the apparatus of Meives et al. with art that teaches a stacker that included cutting means for forming the sheets prior to stacking, Examiner agrees that Meives et al. alone does not specifically disclose a cutter means in combination with the stacker means (8) for forming a pile of sheets from a continuous web cut into individual sheets. Thus, the 35 USC 102 rejection of claims 1-3 in view of Meives et al. has been withdrawn.

8. Applicant's arguments filed September 22, 2005 with respect to the rejection of claims 1-4 and 17 in view of Morimoto et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Morimoto et al.

Applicant has argued that Morimoto et al. fails to disclose the claimed cutting/stacking means, as the stacking means of Morimoto et al. stacks both the sheets and the protective cover sheet. Examiner disagrees as the stacking means (106A, 106B) of Morimoto et al. as illustrated in figures 1 & 2 clearly stacks "only" the individual sheets (F) on a pallet (12) to form stacked sheets, as the stacking means (106A, 106B) only contact/control placement of the sheets (F), not the pallet (12). Although the pallet (12) also meets the limitations of Applicant's claimed protective sheet, as it is folded and covers the stacked sheets (F), Examiner has identified the bag (28) as the protective sheet of Morimoto et al.

Applicant also argues that Morimoto et al. fails to disclose a handling means as claimed by Applicant's invention. Applicant's limitations regarding a handling means requires an element that places either the stacked sheets or the protective cover on an upper surface of a remaining one thereof. In the case of Morimoto et al., the conveyor (710) acts as the handling means that places the stacked sheets (26) on the upper surface of the protective cover (28), as illustrated in figure 32.

9. Applicant's arguments filed September 22, 2005 with respect to the rejection of claims 1-and 2 in view of Katz et al. have been fully considered but they are not persuasive. Applicant has argued that Katz et al., also, fails to disclose a handling means that "places" either the stacked sheets or the protective cover on an upper surface of a reaming one thereof. Katz et al. discloses a stack of sheets inserted into a protective cover, thereby resting on an upper surface of the protective cover, as illustrated in figures 1-4. Although Katz et al. does not specifically illustrate the specific elements of

the inserter (58), the conveyor belt (56) assists in the placement of the stacked sheets on the protective cover, and it is understood that subsequent elements further assist in this function of handling the stacks sheet upon the protective cover.

*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
December 5, 2005

  
SCOTT A. SMITH  
PRIMARY EXAMINER